

June 14, 2022

VIA ECF

Hon. Charles R. Breyer
United States District Judge
United States District Court for the
Northern District of California, San Francisco Division
450 Golden Gate Avenue
San Francisco, California 94102

Re: *In re Volkswagen “Clean Diesel” Mktg., Sales Practices, and Prods. Liab. Litig.*,
MDL No. 2672 (CRB); *SEC v. Volkswagen AG et al.*, No. 19-cv-01391 (CRB)

Dear Judge Breyer:

Plaintiff U.S. Securities and Exchange Commission (“SEC” or “Plaintiff”) and Defendants Volkswagen AG and Volkswagen Group of America Finance, LLC (collectively, “VW,” “Volkswagen,” or “VW Defendants”) and Martin Winterkorn (collectively, the “parties”) jointly submit this letter to request reassignment of this case to a new Magistrate Judge. As the Court knows, on March 17, 2022, the Senate confirmed the President’s nomination of Magistrate Judge Corley to serve as a U.S. district judge for the U.S. District Court for the Northern District of California. This Court previously referred all discovery disputes in this case to then-Magistrate Judge Corley. (*See* ECF No. 66 in Case No. 19-cv-01391). The SEC and Volkswagen have a current discovery dispute for which they seek judicial resolution. Further, while the parties have reached consensual resolution on most discovery disputes thus far, it is possible that the parties may seek judicial resolution of additional discovery disputes in the future. Accordingly, the parties respectfully request that the Court reassign this case to a new Magistrate Judge, and that the Court refer all discovery disputes to the new Magistrate Judge.

Respectfully submitted,

/s/ Suhana S. Han

Robert J. Giuffra, Jr.
Sharon L. Nelles
Suhana S. Han
Matthew A. Schwartz
Christopher J. Dunne
SULLIVAN & CROMWELL LLP
125 Broad Street
New York, New York 10004
Telephone: (212) 558-4000
Facsimile: (212) 558-3588

*Attorneys for Defendants Volkswagen AG
and Volkswagen Group of America
Finance, LLC*

/s/ Eric M. Phillips

Daniel J. Hayes
Eric M. Phillips
Kevin A. Wisniewski
U.S. Securities and Exchange Commission
Chicago Regional Office
175 W. Jackson Blvd., Suite 1450
Chicago, Illinois 60604
Telephone: (312) 353-3368
Facsimile: (312) 353-7398

*Attorneys for Plaintiff United States
Securities and Exchange Commission*

/s/ Peter R. Jerdee

Gregory P. Joseph
Peter R. Jerdee
Christopher J. Stanley
JOSEPH HAGE AARONSON LLC
485 Lexington Avenue, 30th Floor
New York, New York 10017
Telephone: (212) 407-1222
Facsimile: (212) 407-1269

Attorneys for Defendant Martin Winterkorn

ATTESTATION (CIVIL LOCAL RULE 5-1(i)(3))

In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from the signatory.

Dated: June 14, 2022

U.S. S.E.C.
/s/ Eric M. Phillips
Eric M. Phillips